



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,222	10/24/2003	Vyacheslav M. Ryaboy	155603-0311	2279

1622 7590 05/16/2007
IRELL & MANELLA LLP
840 NEWPORT CENTER DRIVE
SUITE 400
NEWPORT BEACH, CA 92660

EXAMINER

MARSH, STEVEN M

ART UNIT	PAPER NUMBER
----------	--------------

3632

MAIL DATE	DELIVERY MODE
-----------	---------------

05/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/693,222	Applicant(s) RYABOY ET AL.	
	Examiner Steven M. Marsh	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-13, 15-19 and 26-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-13, 15-19, and 26-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the fourth office action for U.S. Application 10/693,222 for an Instrumented Platform for Vibration Sensitive Equipment filed by Vyacheslav Ryaboy on October 24, 2003. Claims 1-9, 11-13, 15-19, and 26-29 are pending.

Specification

The amendment filed February 16, 2007 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: Applicant has amended the specification to say that the term platform "refers to the surface configured to be supported by one or more legs". However, the specification and claims as originally filed do not define the platform as a surface. The claims indicate that the sensor is located within the platform, but the element defined as a platform in the claims, does not appear to be a platform because it has first and second surfaces with an inner core between.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled

Art Unit: 3632

in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term “platform” in claims 1, 11, and 26 is used by the claims to mean “a table with first and second surfaces that have a core in between them”, while the accepted meaning is “a usu. Raised horizontal flat surface.” The term is indefinite because the specification does not clearly redefine the term. Applicant’s “platform” is not flat, but does have a flat surface on the top. For examination purposes, it is assumed that Applicant is claiming a flat top surface for the table.

Claim Rejections - 35 USC § 102

Claims 1, 2, 4-6, 8, 9, 11, 12, 15, 16, 18, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,511,035 B1 to Teel et al. Teel et al. discloses a platform assembly that could be supported by one or more legs, with a table (10) that has a first surface (12) coupled to the vibration-sensitive payload, a second surface (bottom of 14), and an inner core (portion inside of 12 and 14) located between the first and second surfaces. There is a vibration sensor (52) located with the inner core and the first surface extends along a first plate (38) and the vibration sensor is attached to the first plate (by the structure of the table). There is a damper (44) located within the inner core that includes an active actuator that is coupled to the vibration sensor. There is a control circuit (150) coupled to the vibration sensor and the active actuator and there is a honeycomb core (col. 3, lines 20-24) within the inner core. The control circuit causes the active actuator to create an active force that emulates the

effect of a viscous damper in a frequency domain encompassing a plurality of natural frequencies of a flexural vibration of the first surface.

Claim Rejections - 35 USC § 103

Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teel et al. in view of U.S. Patent 5,170,104 to Laughlin. Teel et al. discloses the sensor attached to a control system, but does not disclose an electrical connector attached to an external surface of the table and coupled to the vibration sensor. Laughlin discloses a platform assembly with a vibration sensor (14) that is connected to a control system (17) by an electrical connector (the wires). It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided an electrical connector (such as wire) between the sensor and control system, for the purpose of providing a means of connection between the two.

Claims 7, 17, and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teel et al. in view of Huang et al. Teel et al. does not disclose a monitor coupled to the vibration sensors (accelerometer). Huang et al. discloses a device where the dynamics of the assembly are measured by vibration sensors (14) attached to a monitor (26 via 20) so the vibration can be compensated for. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have coupled a monitor to the vibration sensors taught by Teel et al., as taught by Huang et al., for the purpose of measuring dynamics of the system to compensate for vibrations.

Response to Arguments

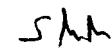
Applicant's arguments filed February 16, 2007 have been fully considered but they are not persuasive. In response to applicant's argument that Teel fails to teach a device that could be used without legs, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. While the device taught by Teel is not designed to be used with another table, it could certainly be placed on another table resulting in the device being supported by one or more legs. The broadest definition of "platform" is "a horizontal surface or structure with a horizontal surface raised above the level of the surrounding area" and it appears that Applicant is using the term in its broadest interpretation, because the device taught by Applicant is not a horizontal surface (it has two surfaces separated by an inner core). The device taught by Teel is a horizontal structure with a horizontal surface raised about the level of the surrounding area.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (571) 272-6819. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3600. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.


Steven M. Marsh

May 11, 2007


ANITA KING
PRIMARY EXAMINER